IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Ashok Kumar Vs. Smt. Sampati Devi

S.B.CR.MISC. PETITION NO.682/2005

against the order dt.25.7.2003 passed by Addl. Chief Judicial Magistrate, Nagaur in Cr.Case No.57'A'/1995

DATE OF ORDER :: August 10, 2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr.Haider Agha, for the petitioner.
Mr.H.R.Soni, for non-petitioner.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 25.7.2003 passed by Additional Chief Judicial Magistrate, Nagaur directing the petitioner to pay the monthly allowance of maintenance at the rate of Rs.2500/- per month as also directing the employer of the petitioner to deduct a sum of Rs.2500/- per month from the salary account of the petitioner and remit to the non-petitioner. The order granting maintenance came to be

challenged by the petitioner in S.B.Cr.Misc. Petition No.1401/2005. While allowing the said petition, the order of maintenance was modified reducing the maintenance from Rs.2500/- to Rs.1800/- per month.

Keeping in view the fact that monthly allowance of maintenance has been reduced from Rs.2500/- to Rs.1800/- per month, the order impugned dt. 25.7.2003 also deserves to be modified to this extent that the petitioner to pay a sum of Rs.1800/- per month and his employer is to deduct Rs.1800/- from the account of the petitioner and pay the same to the non-petitioner.

Learned counsel for the non-petitioner submits that after the order of granting maintenance, not even a single penny has been given to the non-petitioner so far and the petitioner despite sufficient means neglected and refused to maintain the non-petitioner. In the circumstances, therefore, the amount of maintenance awarded deserves to be deducted from the salary account of the petitioner and paid to the non-petitioner.

The petition is accordingly disposed of.

[H.R.PANWAR],J.

m.asif/-